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APPLICATION NO.	i	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/799,120		03/11/2004	Graeme Scott Attey	D5053-00032	D5053-00032 8243	
41396	7590	03/08/2006		EXAM	EXAMINER	
DUANE M		LLP	VANAMAN, FRANK BENNETT			
IP DEPART 30 SOUTH		REET		ART UNIT	PAPER NUMBER	
PHILADEL	PHIA, P	A 19103-4196		3618		
				DATE MAILED: 03/08/200	DATE MAILED: 03/08/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)				
	Office Assis a Communication	10/799,120	ATTEY, GRAEME SCOTT				
	Office Action Summary	Examiner	Art Unit				
		Frank Vanaman	3618				
Period fo	The MAILING DATE of this communication a or Reply	ppears on the cover sheet with the	correspondence address				
WHIC - Exter after - If NC - Failu Any	ORTENED STATUTORY PERIOD FOR REF CHEVER IS LONGER, FROM THE MAILING nsions of time may be available under the provisions of 37 CFR SIX (6) MONTHS from the mailing date of this communication. It period for reply is specified above, the maximum statutory perior re to reply within the set or extended period for reply will, by stated reply received by the Office later than three months after the mailed patent term adjustment. See 37 CFR 1.704(b).	DATE OF THIS COMMUNICATIO 1.136(a). In no event, however, may a reply be tind d will apply and will expire SIX (6) MONTHS from the cause the application to become ABANDONE	N. mely filed n the mailing date of this communication. ED (35 U.S.C. § 133).				
Status							
1)🖂	Responsive to communication(s) filed on 27	December 2005.					
	<u> </u>						
3)	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Dispositi	on of Claims		¢				
4)🖂	Claim(s) 12-29 is/are pending in the applicat	ion.					
	4a) Of the above claim(s) is/are withdrawn from consideration.						
5)	5) Claim(s) is/are allowed.						
6)⊠	☑ Claim(s) <u>12-29</u> is/are rejected.						
7)	Claim(s) is/are objected to.						
8)[Claim(s) are subject to restriction and	or election requirement.					
Applicati	on Papers	·	•				
9)[The specification is objected to by the Exami	ner.					
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.							
	Applicant may not request that any objection to the	e drawing(s) be held in abeyance. Se	ee 37 CFR 1.85(a).				
	Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11)	11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority ι	ınder 35 U.S.C. § 119						
•	Acknowledgment is made of a claim for foreion All b) Some * c) None of:	gn priority under 35 U.S.C. § 119(a	u)-(d) or (f).				
	1. Certified copies of the priority documents have been received.						
	2. Certified copies of the priority documents have been received in Application No						
	3. Copies of the certified copies of the priority documents have been received in this National Stage						
application from the International Bureau (PCT Rule 17.2(a)).							
* See the attached detailed Office action for a list of the certified copies not received.							
Attachmen			•				
1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date							
3) 🛛 Inform	e of Draitsperson's Patent Drawing Review (P10-946) nation Disclosure Statement(s) (PTO-1449 or PTO/SB/0 r No(s)/Mail Date <u>1/25/06</u> .		Patent Application (PTO-152)				

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Status of Application

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1. Applicant's amendment and comments, submitted Sept. 13, 2005 and Dec. 27, 2005, have been entered in the application. Claims 12-29 are pending. Claims 1-11 have been canceled.

Information Disclosure Statement

2. Numerous references cited on the Information Disclosure Statement filed Jan 25, 2006 are duplicates of reference previously cited in the application, and have been lined-through as not considered as they were considered previously.

Applicant is invited to explain the redundant citations.

Claim Rejections 35 USC § 103

- 3. The portions of 35 USC 103 relied upon herein may be found cited in a previous office action.
- 4. Claims 12-16, 21-24 and 29 are rejected under 35 USC 103(a) as being unpatentable over by Krasnoff et al. (US 3,006,659, cited previously) in view of Andorsen et al. (US4,033,596, also cited previously). Krasnoff et al. teach a riding board adapted for use with both feet of a user, including a board member (60), front (34) and rear (42) wheels mounted for rotation about respective axles (figure 1: 32, 40) and further includes a brake which comprises a braking member (122) adapted for engagement with a lower portion of a user's leg, the brake for operating the rear, trailing, wheel; the member acting indirectly on the entire wheel, including its rim, to the breadth claimed, the member comprising an upstanding portion (122) and a pivot (proximate 124, 125), the member being biased away from the wheel (by spring 132) and the braking position, but which may be engaged in the braking position against the bias of the spring. The reference to Krasnoff et al. fails to teach that the brake device may be operated by pressure exerted by a calf of a user's leg. Andorsen et al. teach that it is very well known to employ a calf-engaging brake control (18, 23, 24, etc.), and it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the board taught by Krasnoff et al. with a calf-engaging brake mechanism as taught by Andorsen et al. for the purpose of allowing a user to brake the board without having to remove his or her foot from the board portion.

As regards claim 29, the reference to Krasnoff et al. as modified by Andorsen et al. fails to specifically teach the use of a disc brake. Disc brakes are exceptionally well known in the occupant-propelled vehicle arts, and it would have been obvious to one of ordinary skill in the art at the time of the invention to employ instead a disc brake with the board taught by Krasnoff et al. as modified by Andorsen et al. for the purpose of generating a greater braking force than may be had with a wheel-surface-engaging form of brake.

5. Claims 12-17, 19, 21-25, 27 and 29 are rejected under 35 USC 103(a) as being unpatentable over by Krasnoff et al. (US 3,006,659) in view of Rosso et al. (WO 00/53276). The reference to Krasnoff et al. is discussed in detail above and fails to teach that the brake device may be operated by pressure exerted by a calf of a user's leg, further including a cable arrangement connected with an upright plate forward of the member. Rosso et al. teach a riding board which comprises a brake adapted for engagement with a lower calf portion of a user's leg (36), the brake for operating on the rear, trailing, wheel; the member acting indirectly on the entire wheel, including its rim, to the breadth claimed, the member comprising an upstanding portion (36) and a pivot (junction of 44 and 37), the member being biased away from the wheel (48, 49), wherein the brake additionally includes an upright plate portion (top of 37) fixed to a board portion (24) and positioned forwardly of the braking member, a flexible cable means being fixed to the upstanding plate, the cable being operationally connected to the braking member so that movement of the braking member causes a braking force to be applied to the wheel. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the brake as taught by Rosso et al. on the board of Krasnoff et al. for the purpose of allowing flexibility in the mounting and location of the actuator (by use of a cable rather than a fixed linkage).

As regards claim 29, the reference to Krasnoff et al. as modified by Rosso et al. fails to specifically teach the use of a disc brake. Disc brakes are exceptionally well known in the occupant-propelled vehicle arts, and it would have been obvious to one of ordinary skill in the art at the time of the invention to employ instead a disc brake with the board taught by Krasnoff et al. as modified by Rosso et al. for the purpose of

generating a greater braking force than may be had with a wheel surface-engaging brake.

6. Claims 18, 20, 26 and 28 are rejected under 35 USC 103(a) as being unpatentable over Krasnoff et al. in view of Rosso et al. and Gates (US 5,251,934). The reference to Krasnoff et al. as modified by Rosso et al. is discussed above and fails to teach the cable being connected to a brake device having opposed brake pad elements and moving arms, so connected with the brake member as to cause the brake pads to engage the wheel when the brake member is moved. Gates teaches a very well known cable braking arrangement wherein a cable (70, 60, 62) causes the operation of a first and second pair of movable arms (10, 42, 50) which engage brake pads (52) with a wheel portion to slow the wheel. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the brake actuator taught by Gates in place of the band brake taught by Krasnoff et al. as modified by Rosso et al. for the purpose of allowing the brakes to be made using commonly available caliper-style brake components, thus reducing manufacturing costs and allowing easier field replacements.

Response to Comments

7. Applicant's comments concerning the intended use of the Andorsen reference are noted. In this case, it is not entirely clear whether or not Andorsen is capable of performing the recited intended use. As such, the examiner has withdrawn the references as applied singly. Note that Krasnoff et al. teach a board which is capable of being ridden on by both feet of a user, for example when coasting. Applicant's comments concerning the appearance of the reference to Krasnoff et al. are noted, however they are not supported by a showing of facts. The arguments of counsel cannot take the place of evidence in the record. In re Schulze, 346 F.2d 600, 602, 145 USPQ 716, 718 (CCPA 1965). Note that Krasnoff et al.'s brake device, with the exception of the adaptability to engage a user's calf, satisfies the limitations as they are actually recited in the claims. As regards the reference to Gates, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the

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test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Conclusion

8. Any inquiry specifically concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is 571-272-6701.

Any inquiries of a general nature or relating to the status of this application may be made through either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A response to this action should be mailed to:

Mail Stop ____ Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450,

Or faxed to:

PTO Central Fax: 571-273-8300

F. VANAMAN
Primary Examiner
Art Unit 3618